

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *CG* D.C.
05 MAY -9 PM 3:19

ROBERT A. MARCHIO
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W.D. OF TN. MEMPHIS

STEVEN N. EDWARDS,)
Plaintiff,)
vs.) Civ. No. 04-2975-D/P
DAIMLERCHRYSLER CORPORATION,)
Defendant.)

SCHEDULING ORDER

Pursuant to written notice, a scheduling conference was held May 5, 2005. Present were Michael Rafferty, counsel for plaintiff, and John Wardlaw and Mark Allard (via telephone), counsel for defendant. At the conference, the following dates were established as the final dates for:

JOINING PARTIES: July 1, 2005

AMENDING PLEADINGS: July 1, 2005

INITIAL MOTIONS TO DISMISS: August 1, 2005

COMPLETING ALL DISCOVERY: The Court finds that discovery is not permissible in this ERISA case. See Wilkins v. Baptist HealthCare System, 150 F.3d 609 (6th Cir. 1998). Plaintiff may renew request for limited discovery at a later time if appropriate.

FILING ADMINISTRATIVE RECORD: June 15, 2005

DEFENDANT'S MOTION FOR JUDGMENT ON THE RECORD: August 15, 2005

PLAINTIFF'S RESPONSE: September 15, 2005

EXPERT WITNESS DISCLOSURE (RULE 26): None

OTHER RELEVANT MATTERS:

This case is set for a jury trial. The pretrial order date, pretrial conference date, and trial date will be set by the presiding judge. It is anticipated that the trial will last approximately 2-3 days. Defendant's have filed a motion to strike jury trial.

The parties disagree on whether ADR is appropriate. The parties have engaged and will continue to engage in discussions.

The parties are reminded that pursuant to Local Rule 11(a)(1)(A), all motions, except motions pursuant to Fed. R. Civ. P. 12, 56, 59, and 60 shall be accompanied by a proposed order.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required. At the scheduling conference, plaintiff requested that he be allowed to file a response brief to any reply brief that may be filed by the defendant in regard to the motion for judgement on the administrative record.

The parties have not consented to trial before the magistrate judge.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this order will not be modified or extended.

IT IS SO ORDERED.



TU M. PHAM
United States Magistrate Judge

5/9/05

Date



Notice of Distribution

This notice confirms a copy of the document docketed as number 21 in case 2:04-CV-02975 was distributed by fax, mail, or direct printing on May 9, 2005 to the parties listed.

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Honorable Bernice Donald
US DISTRICT COURT